

**REMARKS**

Claims 1-3, 5-7, 10, 11, 13 and 16-18 are all the claims pending in the application.

Claims 16-18 have been withdrawn from consideration.

Claims 1-3, 5-7, 10, 11 and 13 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over WO 91/10362 to Tocker ("Tocker") in view of WO 93/04017 (CA 2115998 is an English equivalent) to Burger et al ("Burger") and U.S. Patent No. 4,772,490 to Kogler et al ("Kogler").

Applicants respectfully traverse this rejection for the following reasons.

Tocker discloses a process for preparing controlled release granules of pesticides by overcoating a granular carrier containing a pesticide and a polyhydroxylated compound or water with a liquid polyisocyanate and a polymerization catalyst. Because the polyhydroxylated compound is contained in the granular carrier, polymerization of the polyhydroxylated compound and the polyisocyanate is conducted on the surface of the granular carrier (*i.e.* interfacial polymerization is conducted). Thus, it is essential to Tocker's invention that the polyhydroxylated compound be contained in the granular carrier and the interfacial polymerization be conducted with the granular carrier.

The Examiner asserts that "it would have been *prima facie* obvious to a person of ordinary skill in the art, at the time the claimed the invention was made, to modify the pesticidal granules of Tocker by mixing the polyols and polyisocyanates first followed by coating the mixture to the granules." However, Applicants respectfully submit that it would be a

fundamental change of Tocker's invention rather than modification to replace the polymerization method of Tocker with the polymerization methods of Kogler and Burger, because the essence of Tocker's invention is in above-mentioned polymerization method. The Examiner's statement removes the essential element of Tocker's invention. Applicants respectfully submit that the Examiner has not adequately explained why one skilled in the art would make the fundamental change of Tocker's process in view of the teachings of Koglar and Burger.

Further, the Examiner indicates that "regarding claims 5, 7, 10, 11 and 13 which [recite that the] water absorption ratio of the polyurethane is not more than 5%, it is noted that the reference and the instant application are employing the essentially the same polyols and polyisocyanates. Therefore, the polyurethane coating of Tocker is reasonably expected to have the same water absorption ratio as claimed herein." (See, page 4 of the Office Action, lines 8-12.) However, Applicants respectfully submit that the Examiner's expectation is not correct. The present specification, for example, shows that water absorption ratios of granular pesticidal compositions (3) and (5) are 6.19 and 3.32%, respectively. (See, pages 34-38 and page 40.) This is despite the fact that the raw materials of the polyurethane are the same.

Tocker, Kogler and Burger do not teach anything about water absorption ratio. As mentioned in the present specification (see, page 30, lines 10-11), the present inventors found that low water absorption ratio (preferably not more than 5%) of polyurethane resin was superior. Tocker is silent about water absorption ratio.


In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

INOUE et al.  
Appln. No. 08/987,380  
Response Under 37 C.F.R. § 1.111

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

  
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